

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff,

v.

Case No. 14-20112-JWL

Corey T. Roath,

Defendant.

MEMORANDUM & ORDER

In January 2015, defendant Corey T. Roath entered a plea of guilty to one count of being a convicted felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The district judge assigned to this case at the time sentenced Mr. Roath to a total term of 96 months imprisonment. This matter is presently before the court on Mr. Roath's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (doc. #33). Mr. Roath has not indicated that he has satisfied the statute's exhaustion requirement. *See id.* (defendant may bring a motion after he has exhausted administrative appeals of the BOP's failure to bring a motion on defendant's behalf or after the lapse of 30 days from the receipt of such a request by the warden, whichever is earlier). Accordingly, the motion is dismissed for lack of jurisdiction, without prejudice to the filing of another motion once Mr. Roath has satisfied the exhaustion requirement.¹

¹ Mr. Roath's deadline to file a reply to the government's response to his motion was June 28, 2020. That deadline has passed with no reply filed by Mr. Roath. Nonetheless, Mr. Roath is not prejudiced by the court's resolution of the motion without the reply brief, as he may simply refile his motion once he has exhausted his administrative remedies.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Roath's motion for compassionate release (doc. #33) is hereby dismissed for lack of jurisdiction.

IT IS SO ORDERED.

Dated this 9th day of July, 2020, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum
United States District Judge